
**CHILD WELFARE SERVICES PROGRAM
SPECIAL REQUIREMENTS**

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CHAPTER 31-500 SPECIAL REQUIREMENTS

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CHAPTER 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS 31-501

- .1 The county shall report child abuse as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(g).
- .2 When the county receives a report of abuse that has allegedly occurred in a licensed facility, the county shall, as specified in Penal Code Sections 11166.1 and 11166.2, notify the licensing office with jurisdiction over the facility.
- .3 The county shall submit a report pursuant to Penal Code Section 11169 to the Department of Justice of every case it investigates of known or suspected child abuse that it has determined not to be unfounded as defined in Penal Code Section 11165.12.
 - .31 The county shall make information received from the Department of Justice available as specified in Penal Code Section 11170(b)(1).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11165.12, 11165.6, 11166, 11166.1, 11166.2, 11169, and 11170(b)(1), Penal Code.

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS 31-503

- .1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code Section 11400, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.
 - .11 In making this determination, the social worker shall evaluate each case on an individual basis considering the best interests of the child and the circumstances of the family, which may include but are not necessarily limited to, the parent(s)' employment status, housing status, the impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, connection with CalWORKs or other public assistance programs.
 - .111 If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.

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- .112 If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk or removal.
- .2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.
- .21 The social worker shall review this decision following each court hearing held under Welfare and Institutions Code Section 361.5.
 - .211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.
- .3 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination.
- .4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552 Family Code. Reference: Section 17552, Family Code.

31-505	OUT-OF-COUNTY PLACEMENTS	31-505
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- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).

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- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

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- .12 Under such circumstances, the following requirements shall be met:
- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
 - (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
 - .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
 - .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
 - (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
 - (b) The receiving county shall provide periodic written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates.
 - (c) The receiving county shall concur that the proposed placement meets the child's needs.
 - (d) The sending county shall provide consultation and advice on the case, as needed.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

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31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)	31-510
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- .1 The Interstate Compact on the Placement of Children (ICPC) shall be applicable between member states under any of the following circumstances:
 - .11 Procedures for placements into boarding or foster family homes or a relative's home, including the home of a parent. When an agency or court in a member state, the sending agency, wishes to place a child, for whom it holds legal custody or placement responsibility, in another member state and in a:
 - .111 Boarding or foster family home.
 - .112 Relative's home, including the home of a parent.
 - .12 When an agency or court in a member state has placed a child in foster care or with a relative in a home within that state and intends to continue placement although the family may move, or has moved, to another member state.
 - .13 When an individual in a member state wishes to place a child who is in his custody in another member state in a:
 - .131 Foster family home.
 - .132 Group Home.
 - .133 Relative's home except as excluded under Article 8 of the Interstate Compact.
 - .134 Childcaring institution.
- .2 The ICPC shall not be applicable when a potential foster family makes a routine inquiry or application to an agency in a member state other than the state of family residence.
 - .21 When the state to which they apply wishes to have the home studied as a resource for additional children needing placement, the family shall be directed to apply through an agency in the state in which they reside.
- .3 Except for children placed by a county social service agency or probation department in an out-of-state group home, the procedures for children leaving California shall be as follows:
 - .31 The California sending agency shall comply with the provisions of Family Code Sections 7900 through 7909.
 - .32 The California sending agency shall complete Sections I, II and III of Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
 - .321 Retain one copy in agency files.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .322 Forward four copies to the appropriate public authority in the receiving state, with two copies of applicable legal documents such as court orders; two copies of summaries of significant information on the child and the prospective foster or relative family; and two copies of a financial and medical services plan, including information on the eligibility of the child for federal Title IV-E assistance.

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- (a) ICPC suggested procedures specify that the receiving state's appropriate public authority should forward copies of the summaries and legal documents to the receiving agency, requiring recommendation on the suitability of the placement plan.
- .33 A home study shall be required for every proposed placement. The California sending agency shall not send a child out of state until it has received, from the appropriate public authority in the receiving state, an ICPC 100A (Rev. 10/91) approved in writing and a home study assessing the following:
- .331 Amount of supervision available from the receiving agency.
- .332 Ability of the community or area of proposed placement to meet any special needs of the child.
- .333 Parental capabilities and problems if the plan involves movement as a family unit.
- .334 Appropriate information concerning the family with whom placement is to be made.
- .34 ICPC suggested procedures specify that the receiving state's appropriate public authority will notify the California sending agency of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91), signing and forwarding two copies of the form with all additional forms and pertinent information to the California sending agency within 30 days from the date it was received in that state.

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- .35 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .36 When the child is placed pursuant to receipt of written approval, the California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state.

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- .37 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
- .38 To report change in placement status:
- .381 The California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state under the following circumstances:
- (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.
- .4 Procedures for Out-of-State Group Home Placements and the ICPC. The ICPC shall be applicable between member states under any of the following circumstances:
- .41 When an agency or court in a member state wishes to place a child, for whom it holds legal custody or placement responsibility in another member state, the California social service agency or probation department shall comply with the provisions of Family Code Sections 7900 through 7912 when placing a child out-of-state and in a:
- .411 Group home.
- .412 Childcaring institution.

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- .413 The multidisciplinary teams shall provide an assessment and placement recommendation pursuant to Family Code Sections 7911 and 7911.1 and further described in Section 31-066 of this manual.
- .414 The social worker/probation officer shall make a request to the multidisciplinary team only after in-state alternatives have been considered and are found not to meet the child's needs. The local agency shall document in the case plan the alternatives to out-of-state group home placement that were considered or used and the reasons why they were rejected or did not meet the best interests of the child.

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31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .42 The social worker/probation officer shall petition the court for a placement order in concurrence with Welfare and Institutions Code Sections 361.2 and 727.1.
- .43 The California sending agency shall complete Sections I, II and III of the Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
 - .431 Retain one copy in agency files.
 - .432 Forward to the Interstate Compact Administrator, four copies of the Form ICPC 100A, with three copies of applicable court orders, the case plan, summaries of significant information on the child, the county multidisciplinary team placement recommendation, and the financial and medical services plan, including information of the eligibility of the child for federal Title IV-E assistance.

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- .433 The address for the ICPC Compact Administrator is the California Department of Social Services, Out-of-State Placement Policy Unit at: 744 P Street, M.S. 19-78, Sacramento, CA 95814.

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- .434 Any agreements entered into by the California sending agency and the receiving state agency regarding the provision of services and the respective responsibilities of each state agency shall be approved and signed by the sending and receiving state agencies prior to placement out-of-state in accordance with the Family Code.
 - (a) When entering into agreements, the provisions of Family Code Section 7911.1(a) shall be met. These agreements shall specify the authority of CDSS to investigate any threat to the health and safety to a child placed in an out-of-state group home. Included is the authority to interview children or staff in private or review the child's file and the requirement that all complaints be reported to the California Compact Administrator.
 - (b) The receiving state agency shall provide written reports to the sending state agency on the child's condition and progress to facilitate required case plan updates in accordance with Section 31-320.414.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .435 Placements into out-of-state group home facilities can only be made when the facility is certified pursuant to Family Code Sections 7911.1(c) and (i) which state, in part:
- "(c) By August 18, 1999, CDSS shall certify that the out-of-state group home meets all licensure standards required of group homes operated in California."
- "(i) Only an out-of-state group home authorized by the Compact Administrator to receive state funds for the placement by a county social services agency or probation department of any child in that out-of-state group home shall be eligible for public funds pending the department's certification."
- .436 Pursuant to Family Code Section 7912(b), the Compact Administrator may temporarily suspend any new placements in an out-of-state group home, or a period not to exceed 100 days, pending the completion of an investigation regarding a threat to the health and safety of California children in care.

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- .44 The California sending agency shall not send a child out-of-state until it has received approval from the California Interstate Compact Administrator and the receiving state ICPC Unit.
- .45 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .46 When the Form ICPC 100A (Rev. 10/91) is approved by the receiving state ICPC Administrator, the California sending agency arranges for the physical transfer of the child and, when placement is made, completes four copies of Form ICPC 100B (Rev. 10/91) Interstate Compact Report on Child's Placement Status, and forwards three copies to the CDSS Interstate Compact Administrator.
- .47 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
- .48 If the California sending agency is placing a child into another group home, out-of-state procedures in Section 31-510.4 are to be followed and Form ICPC 100B (Rev. 10/91) Interstate Compact Report on Child's Placement Status, completed and three copies forwarded to the CDSS Interstate Compact Administrator, reporting the change in placement.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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| | .5 | Procedures for children entering California are as follows: |
| | .51 | The California receiving agency shall comply with the provisions of Family Code Sections 7900 through 7909. |

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| | .52 | The ICPC suggested procedures require that the sending state's appropriate public authority forward to the California receiving agency: |
| | .521 | Four copies of the signed Form ICPC 100A (Rev. 10/91). |
| | .522 | Two copies of applicable legal documents such as court orders, and summaries of significant information on the child to be placed and the prospective foster or relative family. |

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| | .53 | Upon receipt of a Form 100A (Rev. 10/91) from the sending state's appropriate authority, the California receiving agency shall complete a home study with a recommendation on the suitability of the placement plan. A home study shall be required for every proposed placement and shall be made to assess the following: |
| | .531 | Amount of supervision available from the California receiving agency. |
| | .532 | Ability of the community or area of proposed placement to meet any special needs of the child. |
| | .533 | Parental capabilities and problems if the plan involves movement as a family unit. |
| | .534 | Appropriate information concerning the family with whom placement is to be made. |

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- | .54 The California receiving agency shall notify the sending state's appropriate public authority of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91) and forwarding two copies of the form with all additional forms pertinent information to the sending state's appropriate public authority.
- | .55 Prior to placement, the California receiving agency shall assure that a financial plan has been developed for the child, in cooperation with the sending agency. Upon agreement, the California receiving agency shall verify its acceptance of the plan, in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.

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- | .56 When the child is placed:
- | .561 ICPC suggested procedures require that:
 - (a) The sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, forward copies to the sending state's appropriate public authority.
 - (b) The sending state's appropriate public authority shall sign and forward copies of the form to the DSS.

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- | .57 The California receiving agency shall cooperate with the sending agency in ongoing case planning for the duration of placement.
- | .58 If the social worker determines that it is too dangerous to maintain a dependent minor of the court of another state in the home in which he/she has been placed under the ICPC, the social worker shall:
 - | .581 Provide emergency shelter care services to the child.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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| | .582 | Notify the sending agency and the appropriate public authority in the sending state of the child's removal within 48 hours, excluding nonjudicial days, of its occurrence. |
| | .583 | Assist the sending agency to resolve the placement issue. |

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| | .59 | To report a change in placement status: |
| | .591 | ICPC suggested procedures require that the sending agency shall complete the "Interstate Compact Report on Child's Placement Status", Form ICPC 100B (Rev. 10/91), and forward copies to the California receiving agency under the following circumstances:

(a) When there is a change in the placement status of the child.

(b) When placement is terminated by adoption decree.

(c) When there is any other significant change in plans for the child. |
| | .592 | The sending state's appropriate public authority shall forward copies of the ICPC 100B (Rev. 10/91) to the California local receiving agency. |

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| | .6 | Jurisdiction over the placed child shall conform to the requirements of Family Code Section 7901, Article 5(a). |
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31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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.7 Visits

- .71 A visit is not a placement (see Family Code Section 7901, Article 2(d)) within the meaning of the Interstate Compact on the Placement of Children. Visits and placements shall be distinguished on the basis of purpose, duration and the intention of the person or agency with responsibility for planning for the children as to the child's place of abode.
- .72 The purpose of a visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
- .73 A visit for 24 hours or longer shall involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services shall not, of itself, alter the character of the stay as a visit.
- .74 If the child's stay is intended to be for no longer than 30 days and if the purpose is as described in Section 31-510.72, it will be presumed that the circumstances constitute a visit rather than a placement.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .75 A stay or proposed stay of longer than 30 days shall be considered a placement or proposed placement; except a stay that begins and ends within the child's vacation from school, as determined from the academic calendar of the school, may be considered a visit even if longer than thirty days. Such visits may not be extended beyond the school vacation period.
- .76 A visit shall not be extended or renewed beyond 30 days.
- .77 If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
- .78 If a request for a home study or agency supervision is made by the person or agency which sends or proposes to send a child on a visit, such request shall conclusively establish that the intent of the stay or proposed stay is a placement and not a visit.
- .8 Required forms include the following:
 - .81 Interstate Compact Placement Request, Form ICPC 100A (Rev. 10/91).
 - .82 Interstate Compact Report on Child's Placement Status, Form ICPC 100B (Rev. 10/91).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 7901, 7911, 7911.1 and 7912, Family Code and Sections 361.21, 727.1, and 16516.5, Welfare and Institutions Code.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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- .1 When a dependency petition is initiated by the social worker on behalf of a child who is or may be an Indian child the social worker shall:
 - .11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.
 - .111 To make such a determination, the social worker shall ask the child, his parent or custodian whether the child is or may be a member of an Indian tribe, or whether the child identifies himself/herself as a member of a particular Indian organization.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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- (a) When there is any oral or written information which indicates that the child is or may be an Indian child, the social worker shall:
 - (1) Obtain the name, address, date of birth, and tribal affiliation of birth parents, grandparents, and great grandparents.
 - (2) Obtain the name and address of tribal governing organizations.
 - (3) Complete Request for Confirmation of Child's Status as an Indian (SOC 318).
 - (4) Obtain a copy or photocopy of the child's state certified birth certificate.
 - (5) Send completed Request for Confirmation of Child's Status (SOC 318) and the birth certificate to the Bureau of Indian Affairs (BIA), Attention Tribal Operations for a determination as to whether or not the child is an Indian as defined by the ICWA.
- .112 If a determination is made that a child is or may be an Indian child as defined by the ICWA after the initial petition is filed with the court, the county shall file an amended petition notifying the court of this determination.
- .12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.
- .121 When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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- (a) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.
 - (b) The notice shall include the following information if known:
 - (1) Indian child's name, birthdate, and birthplace.
 - (2) Indian child's tribal affiliation.
 - (3) Name, birthdate, birthplace and mother's maiden name of the Indian child's parent(s) or Indian custodian(s).
 - (4) A copy of the petition, complaint, or other document by which the proceeding was initiated.
- .122 The Secretary will have 15 days from receipt of notice to provide the required notice in Section 31-515.12 to the parent(s), Indian custodian and tribe.

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- .123 A tribe, parent or Indian custodian entitled to notice of the pending of a child custody proceeding has a right, upon request to the court, to be granted an additional 20 days from the date upon which notice was received to prepare for participation in the proceeding.

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- .13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.
- .131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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- (a) Efforts to provide services shall be made subsequent to such emergency removal.
- .132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.
- .14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county provides the expert witness, the witness shall be:
 - .141 A person other than the social worker who initiated the dependency action and:
 - (a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or
 - (b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or
 - (c) If a person described in Section 31-515.141(a) or (b) is not available a professional person who has substantial education and experience in the area of his or her specialty.
- .2 If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the social worker shall:
 - .21 Advise the court of all information which indicates that the child may be an Indian child.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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- .22 Advise the court of all efforts made to establish the child's status as an Indian child.
 - .23 Request direction from the court on how to proceed with the dependency action.
 - .24 Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.
- .3 The provisions of Section 31-515 et seq. shall be met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 25 USCA Section 1901 et. seq.

31-520	PLACEMENT OF INDIAN CHILDREN	31-520
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- .1 In addition to the placement requirements specified in Chapter 31-400, the following requirements shall also apply when placing Indian children:
- .11 The standards to be applied in Indian child placements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family member maintains social and cultural ties.
 - .12 In any placement of an Indian child, the agency shall select the least restrictive placement which most approximates a family.
 - .121 Unless there is good cause to the contrary or the child's tribe establishes a different order of preference by resolution, the order of placement preference shall be as follows:
 - (a) A member of the Indian child's extended family.
 - (b) A foster home approved, specified or licensed by the Indian child's tribe.
 - (c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority.

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- (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- .13 The order of placement preference specified in Sections 31-520.121(a) through (d) shall not override current state licensing regulations.
- .14 Licensure by an Indian child's tribe shall not constitute licensure by the state, nor shall licensure by the state constitute licensure by the Indian child's tribe.
- .2 When an Indian child's parent(s) or Indian custodian voluntarily consents to a foster care placement, the following requirement shall be met:
 - .21 The authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C.
 - .211 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.
 - .22 In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian.
 - .23 For the consent to be valid, it shall be necessary for the judge to certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:
 - .231 The consent may be withdrawn and the child returned to the parent(s) at any time.
 - .232 The placement of the child will be in accordance with the order of placement preference specified in Sections 31-520.121(a) through (d).

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- (a) When a consenting parent evidences a desire for anonymity, the agency shall inform the court of the desire and shall request direction from the court in applying the preferences.
- .233 The return of the child shall be within an agreed-upon time period, ordinarily not to exceed three working days. In no case shall the return of the child require more than seven calendar days following the parent's request.
- .24 Any consent given prior to or within ten working days of the birth of the Indian child shall not be valid.
- .241 During such time period, the child shall be provided with necessary child protective services.
- .3 Requirements regarding case records shall include the following:
 - .31 All Indian child placements shall be clearly documented on the placement history Form SOC 153.
 - .32 Efforts to comply with the placement preference order specified in Sections 31-520.121(a) through (d) shall be documented, and any deviations to the order shall be fully explained.
 - .33 The placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 25 USCA Section 1901 et seq.

31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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- .1 The purpose of the Independent Living Program (ILP) is to provide program services and activities as described in the TILP to assist eligible youth to live independently.
- .2 The county social worker/probation officer shall determine ILP eligibility concurrently with the development of the initial TILP and redetermine ILP eligibility with each TILP update.

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- .3 Youth shall be eligible for ILP services up to their 21st birthday provided one of the following criteria is met:
- .31 Were/are in foster care at any time from their 16th to their 19th birthday. This does not include youth placed in detention facilities, locked facilities, forestry camps, training schools, facilities that are primarily for the detention of youth who are adjudicated delinquent, medical and psychiatric facilities, voluntary placements, wraparound program participants, youth placed pursuant to an individualized education program and guardianship placements in which the youth is not a dependent or ward of the court.
 - .32 Were/are 16 years of age up to 18 years of age and in receipt of the Kinship Guardianship Assistance Payment Program (KinGap) assistance.
 - .33 Eligible youth younger than 16 years of age may participate in an ILP for younger youth if the county of jurisdiction has a county plan that includes such a program. Youth younger than 16 years of age placed outside their county of jurisdiction may participate in an ILP for younger youth only with prior approval of the county of jurisdiction. Participation in an ILP for younger youth prior to age 16 does not qualify a youth for ILP eligibility.
- .4 ILP participation is deferred only if the youth is physically or mentally unable to benefit from the ILP as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate in the ILP. If ILP participation is deferred, the social worker/probation officer on behalf of youth in foster care or the ILP coordinator on behalf of KinGap youth and other eligible youth shall document, in the TILP the reason(s) for the deferment. A redetermination of deferment shall be made at least every six months and documented in the TILP.
- .5 Eligibility for the ILP shall not be determined by outside agencies such as contractors or vendors.

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- .51 Welfare and Institutions Code Section 16501(c) specifies:

“Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.”

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31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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- .6 County social workers/probation officers shall:
- .61 Ensure that foster care/probation youth are given appropriate information about and the opportunity to participate in the ILP.
 - .62 Ensure that ILP participation is not used as a punishment or reward.
 - .63 Use the TILP document available on the Child Welfare Services Case Management Services (CWS/CMS).
 - .64 Work with foster care/probation youth to ensure that they have access to ILP core services as described in Section 31-525.8.
 - .65 Collaborate with the youth, ILP Coordinators, care providers, and other service providers to ensure the development and implementation of TILP goals, services and activities, including addressing transportation needs. Counties shall encourage providers to participate in the development of the TILP.
 - .66 Prior to the youth's emancipation, ensure that ILP services are provided as identified in the TILP.
 - .67 Defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate. A redetermination of deferment shall be made at least every six months and be documented in the TILP.
 - .68 Provide, as applicable, the necessary records, referrals and documentation to ensure that timely and appropriate ILP service provision has met the goals and services of the TILP as described in Section 31-236.
- .7 County ILP Coordinators shall:
- .71 Ensure that every eligible youth participating in ILP up to age 21 has a TILP.
 - .72 Collaborate with the youth, social workers/probation officers, care providers and other service providers to ensure the provision of core services and activities so that the goals outlined in the youth's TILP are achieved.

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- .73 Ensure that participation in ILP is not used as a punishment or reward.
- .74 Not duplicate or replace services that are available through other agencies and programs.
- .75 Recruit, offer and provide individualized ILP services to eligible youth including emancipated youth, legally emancipated minors, and KinGap youth.
- .76 Ensure that benefits, services and treatment are fair and equitable to all eligible youth.
- .77 Utilize the Emancipated Youth Stipend to provide assistance to emancipated youth who are eligible for the ILP pursuant to Welfare and Institutions Code Section 10609.3.

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.771 Welfare and Institutions Code Sections 10609.3(e)(1) and (2) state:

"(1) Effective July 1, 2000, the department, in consultation with the Independent Living Program Strategic Planning Committee, shall develop and implement a stipend to supplement and not supplant the Independent Living Program. To qualify for this stipend, a youth shall be otherwise eligible for the Independent Living Program, have been emancipated from foster care to live on his or her own, and be approved by the county. The stipend may provide for, but not be limited to, assisting the youth with the following independent living needs:

- (A) Bus passes.
- (B) Housing rental deposits and fees.
- (C) Housing utility deposits and fees.
- (D) Work-related equipment and supplies.
- (E) Training-related equipment and supplies.
- (F) Education-related equipment and supplies."

"(2) Notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the stipend program in paragraph (1), subject to the availability of funding provided in the annual Budget Act."

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- .8 Core services shall be provided based on identified individual needs and goals as documented in the TILP including, but not limited to:
- .81 Education, including: skill development, assistance and referrals to obtain literacy skills, high school diploma/GED, post-secondary education experiential learning and computer skills;
 - .82 Career development, including: assistance and referral to obtain career exploration, work readiness and responsibility skills, employment development, employment experience, vocational training, apprenticeship opportunities, job placement and retention;
 - .83 Assistance and referral to promote health (including mental health) and safety skills including, but not limited to: substance abuse prevention, smoking cessation, pregnancy prevention, and nutrition education;
 - .84 Referral to available mentors and mentoring programs;
 - .85 Daily living skills, including: information on and experiences and training in financial management and budgeting; personal responsibility skills; self-advocacy; household management; consumer and resource use; survival skills; and obtaining vital records;
 - .86 Financial resources, including: information and referrals regarding financial assistance if applicable, including, but not limited to, incentives, stipends, savings and trust fund accounts, educational/vocational grants, CAL-Grants, Employment Development Departments, registered in One-Stop Career Centers, Workforce Investment Act funding and programs, other employment programs and other forms of public assistance including, but not limited to, CalWORKs, Food Stamps, and Medi-Cal; and
 - .87 Housing information, including: training and referrals about transitional housing programs; federal, state and local housing programs; and landlord/tenant issues.

| NOTE: Authority Cited: Sections 10553, 10554, and 10609.4, Welfare and Institutions Code. Reference: Sections 358(b), 366 et seq., 391, 706.6, 727.2, 727.3, 10553, 10554, 10609.3, 11375, 16500.1, 16501, 16501.5, and 18987.6, Welfare and Institutions Code; and 42 U.S.C. Sections 672, 675 and 677.

31-530	MINOR PARENT SERVICES (MPS)	31-530
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- .1 Referral of Minor Parent Pursuant to Welfare and Institutions Code Section 11254(b)(3).

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- .11 Referral of a Minor Parent specified in Welfare and Institutions Code Section 11254(b)(3) occurs when a minor parent applies for AFDC and alleges that their physical or emotional health or safety, or that of their child(ren) would be jeopardized if they lived in the same residence with their parent, legal guardian or other adult relative. AFDC county eligibility staff will not make a final determination about granting aid, except in cases where Immediate Need is requested, until a CWS social worker informs AFDC county eligibility staff whether the minor parent and his/her child(ren) can safely reside in the senior parent's, legal guardian's or other adult relative's home.

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- .12 Within 20 calendar days of receiving a referral pursuant to Welfare and Institutions Code Section 11254(b)(3), the CWS social worker shall complete an in-person investigation of the allegation to determine whether the physical or emotional health or safety of the minor parent or child(ren) would be jeopardized if they lived in the same residence with the minor parent's own parent, legal guardian or other adult relative.
- .13 If the referral is unfounded, the CWS social worker shall document the factors contributing to this determination, and shall complete and return the referral form to the county AFDC office.
- .14 If the referral is not unfounded, the CWS social worker shall document the factors contributing to this determination and shall complete and return the referral form to the county AFDC office and follow the procedures set forth in Section 31-530.2.

- .2 Referral of Minor Parent Determined to Meet Exemption Pursuant to Welfare and Institutions Code Section 11254(b). (Section 31-530.2 et seq. is to be implemented on June 1, 1997).

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- .21 Minor parent exemptions specified in Welfare and Institutions Code Sections 11254(b)(1) through (4) are:
- .211 Minor parent has no parent or legal guardian who is living or whose whereabouts are known.

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31-530	MINOR PARENT SERVICES (MPS)	31-530
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- .212 Minor parent has no parent or legal guardian who will allow the minor parent to live in his/her home.
- .213 The CWS social worker has determined that the physical or emotional health or safety of the minor or child(ren) would be jeopardized if the minor and child(ren) lived in the same residence with the minor's own parent, legal guardian or other adult relative.
- .214 Minor parent has lived apart from his/her parent(s) or legal guardian(s) for a period of at least one year before either the birth of any such child or the minor parent having made application for aid.

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- .22 Within 30 calendar days of receiving a referral on a minor parent meeting an exemption pursuant to Welfare and Institutions Code Section 11254(b), the CWS social worker shall:
 - .221 Complete an in-person assessment of the minor parent and his/her child(ren) to determine whether the minor parent and his/her child(ren) are capable of living independently.
- .23 Based on the findings of the in-person assessment, the CWS social worker shall either:
 - .231 Document the factors contributing to a determination that a minor parent is unable to live on his/her own.
 - (a) If the minor parent is unable to live on his/her own, the CWS social worker shall complete the investigation, assessment and case planning process described in Sections 31-125 through 31-325.
 - or
 - .232 Document the factors contributing to a determination that a minor parent is able to live on his/her own and develop a safety plan.

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.24 Except as provided in Section 31-530.3, counties must provide MPS, pursuant to Welfare and Institutions Code Section 16506(d), to minor parents and their children referred and who meet an exemption pursuant to Welfare and Institutions Code Section 11254(b), when a CWS social worker has determined the minor parent is able to live independently. Counties may contract with another county agency or non-county service provider to provide MPS.

.241 When a county chooses to contract for MPS, the contract must, at a minimum, specify the following:

- (a) How the services are to be provided;
- (b) The process by which minor parents will be referred for MPS;
- (c) The process for reporting to the county on the progress of families served;
- (d) The process for on-going assessments; and
- (e) The process for ensuring that visits and referrals will occur.

.3 MPS shall be terminated when:

.31 The minor parent turns 18 years old; or

.32 The minor refuses MPS.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11254, 16504, 16504(b), 16506, and 16506(d), Welfare and Institutions Code.